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SUBJECT: UNESCO SPRING EXECUTIVE BOARD: POLITICAL ISSUES

¶1. (SBU) Summary: UNESCO's April 1-17 Executive Board was a success for the United States. On the whole, we enjoyed good working relations with countries in other geographic groups. Regional voting blocs and economic and other groupings, such as the Non-Aligned Movement (NAM) and the G-77 initially sought confrontation on several issues but later showed flexibility. Most notably, Cuba and Iran fell far short when they tried to submit a draft initiative on human rights and cultural diversity that was intended to polarize the organization between the non-aligned and others.

¶2. (SBU) On major policy issues (internal management-organizational issues septel), we were able once again to adopt consensually without debate a resolution on Jerusalem and the Mughrabi Gate ascent to the Temple Mount. A Venezuelan initiative for a treaty on the preservation of indigenous languages was deferred for consideration at a later Executive Board, largely because Venezuela had failed to follow through on its undertaking to provide extra-budgetary funding for a preliminary experts' study of what would be needed. (N.B. The Board did not accept any proposals for new normative instruments.) Finally, the Board endorsed a refined (and significantly pared down) plan of action for the commemoration of the 60th anniversary of the Universal Declaration of Human Rights that included a U.S. suggestion that the Universal Declaration of Human Rights be translated into an additional 120 indigenous languages, if possible. The decision "invites the Director-General to seek extra-budgetary resources" to ensure implementation of the a number of elements in the refined plan.

¶3. (SBU) We did not, of course, get everything we wanted or entirely avoid controversy. We would have preferred, for example, that the Mughrabi Gate issue not be treated as a separate agenda item, as the issue is a technical matter more appropriately addressed by the World Heritage Committee and, within the Executive Board as one of a cluster of progress reports routinely made by the Director General on pending matters. A last minute maneuver by Egypt (against the highly unusual combined opposition of Israel, Jordan, and the Palestinians) resulted in the adoption of a decision that retained the Mughrabi Gate issue on the Executive Board's future as an element of the "Jerusalem" issue.

¶4. (SBU) On a more concerning note, a U.S. decision to invoke its right to request permission to observe private sessions of the Committee on Conventions and Recommendations (CR) as it reviews human rights complaints, even though we are not a member of the CR, met with heated opposition from Cuba and South Africa and statements of concern from France and Luxembourg. The rarity of requests like ours by sitting Executive Board Member States, combined with the fact that both the rules and past precedent allowed for such observer participation, caught opponents by surprise and led some to argue that the presence of the U.S. or other observers would somehow chill the committee's debates. An obviously, uncomfortable German committee chair after consulting UNESCO's Legal Adviser and the Bureau ruled in our favor taking the view that the rules of procedure cannot be changed during an Executive Board session. We

need to be alert, however, for a move to change those rules at a succeeding Board session. Finally, Serbian Foreign Minister Jeremic strongly denounced the alleged destruction of Serbian cultural monuments in Kosovo and served notice that Serbia will look to UNESCO to help protect cultural sites in the face of "the danger posed by the unilateral, illegal, and illegitimate declaration of independence by the Kosovo Albanians on February 17." End Summary.

15. (U) The 58 members of UNESCO's Executive Board (EB) met in Paris April 1-17 for the Board's 179th session. This was the first substantive Board meeting since last October's General Conference and a key opportunity to set the tone for the biennium now beginning. This message examines the key political issues at the Board. A separate message will report on the Board's consideration of issues relating to UNESCO's internal organization and management.

CUBAN DRAFT DECISION ON HUMAN RIGHTS AND CULTURAL DIVERSITY

16. (SBU) Cuba began a four-year term on the Board with a strong effort to revive UNESCO's dormant non-aligned caucus (NAM) of which it is the chair and polarize the membership along north-south lines.

In doing so, it worked hand-in-glove with Iran (not currently a Board member). UNESCO almost always operates on consensus with most measures adopted by consensus. Friendly diplomats on developing country delegations, however, warned us just before the Board that in meetings of the NAM Cuba was talking openly of forcing votes and was trying to win support from NAM members to launch several initiatives that the north would be certain to oppose. Among these was a suggestion from Iran that the NAM submit a resolution on the "right to scientific knowledge." Thanks, we are told, to the strong opposition of India, Cuba and Iran failed to win the backing of the NAM for such a measure.

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17. (SBU) Cuba and Iran did, however, win agreement to the submission of a draft decision that requested UNESCO take note of the Declaration on "Human Rights and Cultural Diversity" that was adopted by the September 2007 NAM Ministerial in Tehran. As submitted initially, the draft recommended that UNESCO use the Tehran declaration during its celebration the 60th anniversary of the Universal Declaration of Human Rights. It would also have required UNESCO to cooperate with the NAM Center for Human Rights and Cultural Diversity in Tehran, as well as insert an item on "Human Rights and Cultural Diversity" on the agenda of the Spring 2009 Executive Board session.

18. (SBU) The Cubans' draft resolution aroused strong opposition among Western countries (Group I). In several heated Group I meetings, many states expressed resentment at the apparent link being made between the 2005 Convention on the Diversity of Cultural Expressions and the body of generally accepted human rights, as well as the implied limitation on full respect for all human rights when such rights are inconsistent with dominant cultural mores. France and Belgium were adamant about their readiness to call for a vote on the Cuban draft, if necessary. Italy recalled in that advocates of the 2005 convention had explicitly assured the U.S. that the convention had nothing to do with human rights. Greece strongly condemned a blatant effort at "forum shopping." The Greek ambassador pointed out that the United Nations General Assembly (UNGA) had spent three weeks debating a resolution referring to the Tehran NAM Declaration and had in the end only agreed to take note of that document. Cuba and Iran should get less in Paris than they got in New York, he insisted.

19. (SBU) In the end, the Norwegian EB Vice Chair Einar Steensnaes (representing Group I) held a series of tense negotiating sessions with NAM representatives that continued until the afternoon of the Board's very last day. In these discussions, European Union members were keen to have the NAM agree to language that reiterated that universality of human rights and removed direct reference to the Tehran Declaration. (The French told us that they suspected the Iranians' ultimate goal was to create cultural exceptions to otherwise universal human rights standards.) Numerous formulations were tried, as was a general reference to the 1993 Vienna Plan of

Action. When NAM representatives would not accept such a reference, France with support from Italy, Belgium, and other Europeans announced it was instructed to seek a vote. At this, however, the NAM recoiled. Even though the Cubans' original intention had probably been to force such an outcome, the other NAM members clearly did not want to break UNESCO's tradition of consensus and leave the organization divided and politicized. In the end, the NAM agreed to a resolution that referred only to the General Assembly resolution (62/155) -- not the underlying Tehran Declaration -- and quotes language from the Vienna Plan of Action that reaffirms that all human rights are universal, while tasking the UNESCO Director-General to "report on UNESCO's activities on human rights and cultural diversity, through the Executive Board, in order to contribute to the Secretary-General's report on this subject" at the 64th General Assembly session.

Jerusalem and Mughrabi Gate Issues

¶10. (SBU) Jerusalem and the Mughrabi Ascent to the Temple Mount bulked large at this session as they have at recent Board meetings. While UNESCO was once again able to avoid divisive debate and adopt resolutions on these topics by consensus, there was extensive and sometimes heated discussion in the corridors outside the meeting.

¶11. (SBU) The essential issue was whether the Mughrabi Ascent should be treated as a stand-alone agenda item, and if not, whether it should be subsumed within the resolution on Jerusalem that is taken up at each session as a separate item. In recent Executive Boards, for reasons that were unique to those sessions, there has been one resolution on maintaining the character of Jerusalem and another regarding the Mughrabi Ascent to the Temple Mount. At this Board session, it no longer made sense to keep the Mughrabi Ascent as a separate agenda item as the issue was referred to the World Heritage Committee last year. In taking this position, the U.S. was joined by Israel, Jordan, and the Palestinian observer delegation.

¶12. (SBU) Egypt, nonetheless, was determined to keep the Mughrabi Ascent as a separate item on the Executive Board's agenda and skillfully manipulated Executive Board Chairman Ya'i (Benin) to facilitate this outcome. The U.S. was forced to intervene in the first minutes of the opening Plenary to object to the inclusion on the formal agenda of an item on this subject. We argued the item could be dealt with in the Director-General's progress report to the Board on actions taken to implement past Executive Board decisions; any additional actions should be agreed at the World Heritage Committee.

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¶13. (SBU) Deputy Director-General Barbosa attempted to defuse the problem by folding the Mughrabi Ascent issue into a second "section" of the draft decision that dealt with the character of Jerusalem. Egypt eventually accepted inclusion of language on the Mughrabi issue in the larger draft Jerusalem decision, but worked behind the scenes with Chairman Ya'i and the Secretariat to have a separate topic on Mughrabi Gate included in the agenda at the last moment, although the draft decision presented on this topic was purely pro-forma. The important language on the Mughrabi ascent issue wound up in the Jerusalem resolution. Notably, as finally adopted, the latter decision invites the Director-General to make a progress on the issue. This decision is ambiguous as to when and in what form the progress report is to be made.

¶14. (SBU) The U.S. made a statement for the record after the decision was adopted, indicating that it would make formal objections in the future should the Mughrabi Ascent be again put on the agenda as a separate item. Only Egypt and Algeria spoke afterwards, reaffirming their view that the Mughrabi Ascent is of sufficient importance to require its review as a separate issue.

INDIGENOUS LANGUAGES

¶15. (SBU) Before the Board's opening, it had been widely assumed that the language issue would dominate these proceedings. This is the UN's Year of Languages, and Venezuela had convinced the Spring 2007 Board to adopt a decision, requesting the Director-General to

"conduct a preliminary study of the technical and legal aspects of a possible international standard-setting instrument for the protection of indigenous and endangered languages and to submit such a preliminary study to the Executive Board" at its Spring 2008 session. EB Chairman Ya'i did little to conceal his support for the idea of a new standard-setting instrument, believing fervently as he does, that African children must receive some of their education in their native languages.

¶16. (SBU) In any event, the push for a new treaty on languages stalled. While the Latin American states did not wish to publicly disagree with Venezuela, current chair of the Latin American group, we understand many expressed reservations when the Latin group met behind closed doors. Most important, there was no preliminary study for the Board to discuss because, after winning agreement to conduct such a study, Venezuela failed to provide the extra-budgetary funds needed to carry it out.

COMMEMORATION OF THE 60TH ANNIVERSARY OF THE UDHR

¶17. (SBU) Prior to this Executive Board meeting, the U.S. Delegation anticipated that consideration of UNESCO's proposed plan for commemorating the 60th anniversary of the Universal Declaration of Human Rights would lead to heated controversy as happened when the plan was first presented to the General Conference last October.

At that time, the Secretariat's ambitious plans for a series of regional conferences and two large international meetings, all intended to focus on emerging rights, provoked vigorous debate following which the General Conference refused to "endorse" the original plan and called for a "refined plan" for approval at this Executive Board session.

¶18. (SBU) Debate on this issue turned out to be calmer at this Board session than at the General Conference last October. In the end, two decisions on this topic were adopted with little fanfare. One was a scaled back version of the original plan but with deeper Member State ownership and input, for most of which the Director-General will seek extra-budgetary funding. (N.B. The list included a U.S. suggestion that the Universal Declaration be translated into as many as 120 additional indigenous languages. A symbolic U.S. contribution toward the costs of such translation will be needed to re-affirm U.S. credibility on this issue.) A second decision submitted by Colombia with significant support from other Latin American states requested the Director-General to provide intellectual support for a regional human rights conference in Colombia and asked him to mobilize the intellectual and human resources needed to organize this event, "it being understood that conference's logistical expenses will be covered by the host country."

OTHER ISSUES

¶19. (SBU) EDUCATION: Few other issues provoked the drama or controversy of the ones already mentioned. There were, however, several significant education issues on the agenda. The Board, for example, adopted without debate a decision on Educational and Cultural Institutions in the occupied Arab Territories. Adopted also was a progress report on the application of the Global Action Plan to achieve the Education for All (EFA) goals by 2015. On that item, this Delegation was successful in ensuring that the language in the draft decision clarified that there were other financial

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mechanisms in addition to the Fast Track Initiative (FTI) that were funding EFA. WE also expanded the meaning of the term "multi-lateral assistance" to include "promoting national leadership, capacity development, communication and advocacy, resource mobilization and effective use of aid through existing mechanisms" so that it was not limited to financial assistance. Finally, there was broad support for a German draft decision requesting a UNESCO strategy on Technical and Vocational Education and Training. Over half of the delegations, including the United States, agreed to cosponsor this proposal.

¶20. (U) A Latin-proposed measure on PRELAC (Regional Education Project for Latin America and the Caribbean) was postponed until the

autumn 2008 Executive Board at the request of the Latin American countries, because the UNESCO-prepared document blatantly failed to reflect the decisions taken by the Latin American Ministers of Education at the second Intergovernmental Committee meeting of PRELAC in March, 2007.

¶21. (SBU) The most controversial education item was a decision on the Joint Experts Seventh Meeting on the Right to Education. The United States had concerns that both the summary and the draft decision referred to "normative bases" and could imply that UNESCO and the Joint Experts group were seeking new normative instruments in this area. The United States, working through the Portuguese Delegation, was successful in ensuring that the draft resolution expressly referred to "existing" normative bases so it is clear that no new normative instruments would be created or implied regarding this topic.

¶22. (U) SCIENCE: Natural Science issues generated little debate at this Board. Discussion of UNESCO's Draft Climate Change Strategy generated nothing like the controversy it did when first discussed last October. It was not adopted, however. About 25 members of the Executive Board spoke, most favorably. St. Kitts and Nevis encouraged greater emphasis on Small Island Developing States (SIDS), and added language to increase emphasis on SIDS and other less developed countries. The US requested a reduction in the emphasis on renewable energy based on a desire to focus resources in areas of demonstrated UNESCO competence. Luxembourg supported this position. Norway encouraged greater focus and asked for a revised plan with specifics on value added, significant contributions, and measurable results. A revised plan will be submitted at the 181st Executive Board meeting. The US also requested that the key concerns of Member States, expressed at the meeting, be addressed.

¶23. (U) Member States also supported an Ethiopian proposal to make 2011 the International Year of Chemistry.

¶24. (U) Also considered were several so-called category 2 centers, centers that are paid for by the host countries but are supposed to assist UNESCO in its work. Two proposed centers, one in China and the other in the Korean Republic aroused little opposition, although several members questioned whether two centers dedicated to the preservation of intangible cultural heritage of the Asia-Pacific region were needed in such close proximity to each other. The Secretariat was asked to prepare a feasibility study on these and to report on its findings at the autumn 2008 session of the Board.

¶25. (SBU) A Chinese proposal to establish a Category 2 Center managed by the Chinese Academy of Sciences to monitor cultural and natural sites, including World Heritage Sites and World Biosphere Reserves, using satellite remote sensing techniques aroused an extended debate. Approximately 20 countries endorsed the proposal with only minor criticisms. Most speakers noted the important capacity-building aspects and hoped to cooperate with the Center. The Japanese, however, remarked that no current activities existed between their space agency (JAXA) and the CAS, although China had claimed some cooperation with Japan in the proposal. The US spoke positively about the Center but attempted to add language that would require for all such Centers, starting with Category II Centers approved at this Board session, a standing requirement to obtain an external review before the Center could be renewed by UNESCO. China agreed, in principle, that reviews of centers should be encouraged but wanted the matter deferred and considered in a larger context. Brazil stated that there was a provision for review in the model agreement for centers in Annex II, Article 16 of the 33C/Resolution ¶90. This article permits review by the Director-General with a presentation of the results at the Executive Board. Language to request a review by the Director-General of the Center prior to renewal under Article 16 was accepted.

DIFFICULT POINTS AND WARNING FLAGS

¶26. (SBU) CR: Not everything went our way. Disagreements emerged that signal serious problems at future Executive Boards. In addition to the second agenda item on the Mughrabi Gate (see above), the U.S. request to observe the private deliberations of the

Committee on Conventions and Recommendations (CR) touched off fireworks that may have reverberations at the Board session next autumn. Despite the CR Chairman's approval (Germany), several countries, including Cuba and South Africa, registered strong and continuing protests against the U.S. presence in the room, while France and Luxembourg indicated discomfort with such a practice, invoking vaguely articulated reasons. The central argument invoked against having an observer present was that an observer could compromise the confidentiality of the (human rights) "cases" being discussed. The U.S., however, was clear that, while countries whose cases are being reviewed by the Committee should never be present during the CR's debate over what conclusions should be drawn and how to report to the Executive Board, all Executive Board members can be entrusted to respect the confidentiality of CR proceedings and hence "private" meetings should never exclude sitting Executive Board members. (Note: All member states may sit in as observers at all Executive Board sessions and at meetings of its subsidiary bodies and committees.) Moreover, there has not to date been any known instance of an observer State violating the confidentiality of any CR proceeding.

¶27. (SBU) The issue was discussed with UNESCO's Legal Adviser and in the Bureau. It was acknowledged that the rules do not prohibit such observer status and it was determined that the existing rules of procedure could not be revised during the current Executive Board session. We believe that the rules are clear that all UNESCO meetings, whether called "private" or "open" may be observed by, at the very least, all sitting Executive Board Members. "Private" should be interpreted as meaning that such meetings may not be viewed by the general public or other UN agencies. We can expect, however, that the question of which countries may observe various meetings will come up again at a future Board meeting, and we could well face a move to change the rules to make observer presence at private sessions impossible. We should begin to muster compelling legal arguments that can be deployed when that debate arises.

¶28. (U) Serbia/Kosovo: Serbian Foreign Minister Vuk Jeremic used his remarks during the general debate at the opening of the Executive Board to deliver a stern warning that Serbia may seek in future to raise at UNESCO the issue of preservation of Serbian cultural monuments in Kosovo. In a highly emotional statement that won scattered applause from other delegations he declared that "the greatest challenge to human rights in Serbia lies in our southern province of Kosovo under United Nations administration since June 1999 More than 150 churches or monasteries . . . have been set ablaze by Kosovo Albanian extremists in the past eight years Hundreds of other holy sites remain at risk The purposeful attempt to vandalize, loot, burn, desecrate, and destroy what others have built long ago . . . (to) invent an historical narrative of one's own must be condemned in the strongest possible terms, and identified clearly for what they are: revolting acts of cultural cleansing."

COMMENT:

¶29. (SBU) By the standards of past UNESCO meetings, the spring Executive Board was a model of how well UNESCO can function, in spite of itself. While regional blocs maintained their outward solidarity, they were not as rigid or as determined to thwart the U.S. as in meetings past. Behind the scenes, for example, other Latin countries clearly exercised a restraining influence on Cuba (and Venezuela, not on the Board but currently Latin American Group chairman).

¶30. (SBU) Notably, the Board did not adopt any new initiatives intended to lead to new normative instruments, with one possible exception. A superficially-prepared initiative by the Secretariat to have the Board adopt a formal recommendation on the preservation of historic urban areas ran into significant opposition from many delegations. The experts committee that recommended this measure was composed largely of German and Austrian experts and had little geographic balance. As a result, its conclusions received a cold reception from delegations from other regions. Member states by and large felt the matter was not ripe for consideration by the Board. In the end, they welcomed the fact that the issue will be considered by the World Heritage Committee at its upcoming meeting in Quebec in July 2008, and invited the Director-General to "submit at its 181st

(spring 2009) session a full preliminary study of the technical and legal aspects of this issue.

¶31. (SBU) It is not clear how long this period of relative harmony will last. It may well be short. A slight shift in attitudes would be all that is needed to leave the U.S. in serious difficulties. The fact that the U.S. is no longer on the Bureau (the committee of highly influential members who organize Board meetings) means that our ability to prevent mischievous items from receiving serious consideration is much reduced. We must also contend with the personality of Executive Board Chairman Ya'i who famously remarked

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at a meeting a year ago that he might be a chairman but could not be neutral. We have seen some indications of a similar attitude on his part in recent months. He has, for example, openly used the power of the chair to promote a new normative instrument on indigenous languages. We will need to stay very much alert for tricky maneuvers by him that may be contrary to our interests.

¶32. (SBU) Finally, we will need to be wary of the fact that many of our colleagues do not measure success or progress as we do. The relative harmony that prevailed at this meeting is not to everyone's taste, including many relatively moderate member states. In talking with our colleagues from other delegations about the most recent Executive Board, we often hear the complaint that it was boring. Many of our colleagues regretted that there were no major controversies to attract international attention, and there was no agreement to begin negotiation of new international treaties. Regrettably, many other delegations seem to measure UNESCO's achievements largely in terms of treaties agreed. Given these attitudes, we should expect more turbulence in these waters in the period ahead.

OLIVER